

law impairing the obligation of a contract. My proposition is to change merely the remedy for the enforcement of a right, and it is well settled that contracting parties have no vested right in a given remedy, but that the Legislature may, at its pleasure, alter the remedy without impairing the obligations of the contract.

To absolutely suspend the collection of all debts for a period of six months would place the creditor of a dishonest debtor at the mercy of the latter, in that the latter could make way with his property, leaving the creditor helpless. For instance, if the collection of a debt be absolutely suspended the merchant who has furnished a farmer with supplies would have no remedy to prevent the fraudulent disposition of the crop by the debtor to the detriment of the creditor. Under the solution herein suggested the writs of attachment and all other extraordinary writs would still be available for the protection of the rights of any creditor, and after he has obtained his writ, together with judgment foreclosing any lien, the sale of the property would be suspended for six months, thus affecting the remedy or means of enforcing the obligation without, in fact, impairing the obligation itself.

We are prone under present distressed financial conditions to consider the merchant and the man who has a few bales of cotton, and while these classes are entitled to consideration and protection there is a class of our citizenship that will be more seriously affected by the failure to enact this or some similar law, than any other class, viz: the man whose home is not paid for. To permit sale under execution or order of sale of all the homes in Texas whose owners are at the mercy of creditors who are more concerned in their pocketbooks than in the general welfare of the State, will be, in effect, to place a large per cent of present home owners in the class of tenants, and that disheartened and discouraged. The homes will go back into the hands of the speculator and it will be years under the most favorable conditions before our country as a whole would regain its loss and assume a condition equal to that it now occupies. No man who has the welfare of the country at heart and who is sincere in his expression of a desire for advancement among our people, will object to having enacted a law, the effect of which is to give the debtor an opportunity to meet his obligations in times

of general distress. Such a creditor would have the same protection as against his creditors.

The enactment of a warehouse bill upon correct principles, and the issuance of emergency currency will do a great deal towards alleviating present distressed financial conditions, but in my judgment these measures and methods in connection with the plan hereinbefore outlined will be more effective and will afford to the people a greater measure of relief.

Our crops, especially of cotton, are about four weeks earlier in this section of the State than in Central and North Texas, and by the time the Legislature can pass a warehouse bill, and the warehouses be erected, and the plan put into practical operation, the greater part of our cotton will have been gathered, and the people of Southwest Texas will not get their full quota of benefit from such a law.

Our notes and accounts are made payable early in the fall because our crops are early, and much property will be sacrificed at execution sale, even though the warehouses were now in operation.

I consider it imperative that our people be given relief, and to my mind the only practical solution of the problem is the one herein suggested.

I have taken up and discussed this matter with several of our leading business men, and it meets with their approval, and some of them would like to discuss the merits of the plan with you, if you think any good could be accomplished thereby.

Very truly yours,
(Signed) O. A. McCracken.

THIRTEENTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, September 8, 1914.

The Senate met pursuant to adjournment, and was called to order by President Pro Tem. Warren.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Conner.
Bailey of DeWitt.	Cowell.
Bailey of Harris.	Darwin.
Brelsford.	Gibson.
Carter.	Greer.
Clark.	Hall.
Collins.	Harley.

Hudspeth.
Johnson.
Lattimore.
McGregor.
McNealus.
Morrow.
Nugent.
Real.

Taylor.
Terrell.
Townsend.
Warren.
Westbrook.
Wiley.
Willacy.

Absent.

Watson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Bailey of Harris.

Morning call concluded.

SENATE BILL NO. 1.

The Chair laid before the Senate, on its third reading and regular order,

S. B. No. 1, A bill to be entitled "An Act construing the term public cotton warehouse, providing for the construction of public cotton warehouses, requiring ginners to construct buildings or platforms for the protection of ginned cotton, directing how cotton shall be wrapped, records to be kept by ginners; construing the term warehouseman, providing for bond of warehouseman, imposing certain duties upon the Commissioner of Insurance and Banking, providing for warehouseman records, and examination of public cotton warehouses, defining the terms, samples, loose, linter and bolly, making warehouse receipts negotiable, providing for fees of warehousemen, examinations of warehouses and charges for such examinations, limiting number of warehouses conducted under one charter; requiring railway companies to shed platforms and to transport cotton in closed cars, requiring all persons concentrating cotton to provide suitable platforms and sheds to protect the same from damage, providing penalties, repealing all laws in conflict, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—20.

Astin.
Bailey of DeWitt.
Bailey of Harris.
Brelsford.
Carter.
Clark.
Conner.
Cowell.
Darwin.
Greer.

Hall.
Harley.
Hudspeth.
Lattimore.
McGregor.
Morrow.
Townsend.
Warren.
Wiley.
Willacy.

Nays—4.

Collins.
Johnson.

Taylor.
Westbrook.

Present—Not Voting.

Real.
Terrell.

Absent.

Gibson.
Nugent.

Senator Wiley moved to reconsider the vote by which the bill was passed, and lay that motion on the table, which motion to table prevailed.

PAIRED.

After the vote was announced, by unanimous consent, Senator McNealus was permitted to record the following pair:

Senator McNealus (present), who would vote "yea," with Senator Watson (absent), who would vote "nay."

SENATE BILL NO. 4.

The Chair laid before the Senate, on second reading,

S. B. No. 4, the emergency warehouse bill introduced in the Senate.

Senator Willacy moved that S. B. No. 4 be referred back to the calendar without date.

The motion prevailed.

SENATE BILL NO. 9.

(By Unanimous Consent.)

The Chair laid before the Senate, S. B. No. 9, as pending business, and known as the Darwin bill.

Senator Darwin moved to reconsider the vote by which the Senate adopted an amendment by Senator Watson—H. B. No. 1—to the bill, which action was had on the bill on Friday, September 4th.

The motion prevailed.

Senator Darwin then moved to table the amendment, which motion prevailed.

The bill was read second time and passed to engrossment.

On motion of Senator Darwin, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 9 was put on its third reading and final passage by the following vote:

Yeas—26.

Astin.
Bailey of DeWitt.

Bailey of Harris.	Hudspeth.
Brelsford.	Johnson.
Carter.	McGregor.
Clark.	McNealus.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Westbrook.
Hall.	Wiley.
Harley.	Willacy.

Present—Not Voting.

Lattimore. Morrow.

Absent.

Nugent. Watson.

The bill was read third time and passed by the following vote:

Yeas—25.

Astin.	Harley.
Bailey of DeWitt.	Hudspeth.
Bailey of Harris.	Johnson.
Brelsford.	McGregor.
Carter.	Nugent.
Clark.	Real.
Collins.	Taylor.
Conner.	Townsend.
Cowell.	Warren.
Darwin.	Westbrook.
Gibson.	Wiley.
Greer.	Willacy.
Hall.	

Present—Not Voting.

Lattimore. Morrow.
McNealus. Terrell.

Absent.

Watson.

SENATE BILL NO. 6—REFUSED TO TAKE UP.

Senator Astin asked unanimous consent to take up, out of its order, S. B. No. 6.

There was objection.

Senator Astin moved to suspend the regular order of business, S. B. No. 7, and take up, out of its order, S. B. No. 6.

The motion was lost by the following vote (a two-thirds vote being necessary):

Yeas—17.

Astin.	Cowell.
Brelsford.	Hall.
Carter.	Harley.
Clark.	Hudspeth.
Conner.	McGregor.

Morrow.	Warren.
Taylor.	Westbrook.
Terrell.	Willacy.
Townsend.	

Nays—8.

Collins.	Johnson.
Darwin.	Lattimore.
Gibson.	Real.
Greer.	Wiley.

Present—Not Voting.

Bailey of Harris. McNealus.

Absent.

Bailey of DeWitt. Watson.
Nugent.

Senator Gibson asked unanimous consent to offer a concurrent resolution, but there was objection.

SENATE BILL NO. 7.

The Chair laid before the Senate, on second reading and regular order,

S. B. No. 7, A bill to be entitled "An Act to authorize the appointment of State weighers and graders of cotton in public warehouses; to further regulate cotton warehouse receipts; to facilitate the lending of money thereon; to make cotton warehouse receipts safer collateral for the loan of money; to enable the farmers of Texas to obtain money on cotton warehouse receipts; prescribing the life of this bill, and declaring an emergency."

Senator Lattimore moved that the bill be made a special order for September 23rd after the morning call.

The motion was adopted.

Senator Gibson asked unanimous consent to offer a concurrent resolution, but there was objection.

Senator McNealus here moved that the Senate adjourn until 10 o'clock tomorrow morning.

The motion was lost.

SENATE BILL NO. 6.

The Chair laid before the Senate, on second reading and regular order.

S. B. No. 6, A bill to be entitled "An Act to establish a cotton warehouse system in the State of Texas under the direction and control of the State; to provide for the issuance of warehouse receipts which shall state the weights and grade of cotton received and deposited in warehouses and describe the

bale or bales in which it is contained; fixing the standard of the receipts issued against cotton deposited and held in State and licensed warehouses; determining the responsibility of the State to deliver to the holder the cotton described on the face thereof; to provide for the creation of the Cotton Warehouse Commission of Texas; to define the powers and duties of the Commission and to regulate the method by which its membership shall be constituted and the amount of the compensation of members; empowering the said Commission to build, buy, lease, rent and license and maintain and operate such warehouses; empowering the said Commission to devise and use a seal and to formulate an official form of receipt, and to empower its warehousemen and licensees to issue receipts and surrender cotton described in receipts; defining the meaning of 'warehouse' under this act; authorizing the said Commission to employ persons having the necessary qualifications to supervise, operate and maintain warehouses and perform other duties proper to the carrying out of this act under the direction of the Commissioner; empowering the said Commission to fix the rates of storage of cotton, to insure the cotton, and to collect and disburse the insurance; providing for the issuance of duplicate receipts; to provide for the issuance, exchange and cancellation of non-negotiable receipts; providing for monthly reports on all cotton stored, and requiring an accounting for loose cotton; prescribing penalties for violation of this act; appropriating money for the carrying out of this act, and declaring an emergency."

The committee report was adopted.

Senator Clark here asked unanimous consent to present a motion in writing, but there was objection.

Senator Astin offered the following amendment:

Amend the caption of the bill, on page 1, line 13, by striking out all after the word "to," down to the word "license," and all after the word "license" down to the word "warehouses," in line 14.

Senator Wiley moved to table the amendment, and

Pending discussion, Senator Gibson asked unanimous consent to offer a concurrent resolution, but there was objection.

The motion to table the amendment was adopted by the following vote:

Yeas—16.

Brelsford.

Carter.

Clark.
Collins.
Darwin.
Gibson.
Greer.
Hall.
Harley.

Johnson.
Lattimore.
Nugent.
Taylor.
Townsend.
Warren.
Wiley.

Nays—10.

Astin.
Bailey of DeWitt.
Conner.
Cowell.
Hudspeth.

McGregor.
Real.
Terrell.
Westbrook.
Willacy.

Present—Not Voting.

Bailey of Harris. Morrow.
McNealus.

Absent.

Watson.

Pending discussion, Senator Clark moved to make this bill a special order for September 23rd after the conclusion of the morning call.

Senator Clark moved the previous question on the motion to make the bill a special order, which, being duly seconded, was so ordered.

Senator Willacy made a point of order that the date for which the bill was proposed to be made a special order was beyond the constitutional limit of the Legislature.

Pending discussion, Senator Clark asked unanimous consent to withdraw the motion to make S. B. No. 6 a special order for September 23rd.

There was no objection, and the motion was announced withdrawn.

Senator Willacy then moved that the Senate rescind the vote by which S. B. No. 7 was made a special order for September 23rd, which motion was adopted.

Senator Willacy then moved that the pending business, S. B. No. 6, be suspended for the purpose of taking up and setting for a special order S. B. No. 7.

The motion was unanimously adopted.

Senator Willacy then moved that S. B. No. 7 be made a special order for September 21, 1914.

The motion was adopted.

Senator McNealus then made the following motion:

"I move that the Senate recess until 3 o'clock this afternoon, and at that hour go into executive session to consider appointments and nominations made by the Governor and not heretofore confirmed."

The motion was lost.

Action recurred on S. B. No. 6, and Senator Wiley asked unanimous con-

sent to offer a motion in writing, and there was objection.

Senator Gibson here moved to suspend the pending business, S. B. No. 6, for the purpose of his presenting a concurrent resolution, and moved the previous question on the motion.

The Senate refused to order the previous question.

Pending discussion, Senator Gibson withdrew the motion to suspend the pending business and asked unanimous consent to offer the resolution, but there was objection. He then renewed the motion to suspend the pending business, which motion was lost by the following vote:

Yeas—9.

Bailey of Harris.	Morrow.
Clark.	Real.
Cowell.	Terrell.
Gibson.	Townsend.
Johnson.	

Nays—16.

Astin.	Hudspeth.
Bailey of DeWitt.	Lattimore.
Carter.	McNealus.
Collins.	Taylor.
Conner.	Warren.
Darwin.	Westbrook.
Greer.	Wiley.
Hall.	Willacy.

Present—Not Voting.

McGregor.	Nugent.
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Absent.

Brelsford.	Watson.
Harley.	

ADJOURNMENT.

Pending discussion, Senator McNealus, at 12:15 o'clock p. m., moved that the Senate adjourn until 10 o'clock tomorrow morning, which motion was adopted.

FOURTEENTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, September 9, 1914.

The Senate met pursuant to adjournment, and was called to order by President Pro Tem. Warren.

Roll call, a quorum was present, the following Senators answering to their names:

Astin.	Bailey of DeWitt."
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Bailey of Harris.	Lattimore.
Brelsford.	McGregor.
Carter.	McNealus.
Clark.	Morrow.
Collins.	Nugent.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Hall.	Westbrook.
Harley.	Wiley.
Hudspeth.	Willacy.
Johnson.	

Absent.

Watson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Carter.

EXCUSED.

On account of important business:
Senator Astin, for non-attendance, on last Saturday and Monday, on motion of Senator Terrell.

BILLS AND RESOLUTIONS.

Senator Gibson offered the following resolution:

S. C. R. No. 5: Whereas, The Legislature was called for the purpose of passing a warehouse bill to relieve the emergency situation brought about by the European wars, whereby the market for the cotton crop has been materially impaired; and

Whereas, Both houses have passed an emergency warehouse bill which is intended to relieve the situation, thereby discharging the duty imposed upon them; now, therefore, be it

Resolved, That the Senate, the House concurring, set Wednesday, September 17th, 12 o'clock m., as date for adjournment sine die.

The resolution was read, and

Senator Gibson moved that it be laid on the table subject to call.

Senator McNealus moved, as a substitute, that the resolution be tabled.

The substitute motion was adopted.

SIMPLE RESOLUTION.

By Senator Brelsford:

Resolved, That Miss Marie Scarborough be selected as the appointee to do stenographic work in the Senate by the Sen-